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C O N F I D E N T I A L SECTION 01 OF 04 ADDIS ABABA 000385

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DEPARTMENT FOR AF DAS YAMAMOTO AND AF/E  
LONDON, PARIS, ROME FOR AFRICA WATCHER

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SUBJECT: A/S FRAZER AND UNMEE SRSG DISCUSS NEXT STEPS ON  
ETHIOPIA-ERITREA BORDER

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Classified By: CHARGE D'AFFAIRES VICKI HUDDLESTON. REASON: 1.4 (D).

11. (C) SUMMARY. Following her visit to the Ethiopian-Eritrean border, AF A/S Frazer told UNMEE SRSG Legwaila that current residents of the disputed town of Badme oppose the 2002 boundary commission decision awarding the town to Eritrea. Badme was administered by Ethiopia, but the EEBC places it 1.7 kilometers within Eritrea, according to UN peacekeeping officials. Amb. Frazer reported that Meles had made minor but significant concessions on the border: agreeing to "consider the possibility" of sending a representative to the next meeting of the Ethiopia-Eritrea Boundary Commission (EEBC), and showing some flexibility on whether Ethiopia accepted the EEBC decision only "in principle." A/S Frazer underscored the need for flexibility among all parties, including the EEBC, whose president Ethiopia believes is biased. Eritrea reiterates that Ethiopia must accept the EEBC decision "as is," and criticized the USG delegation's visit to "occupied territory." UNMEE SRSG Legwaila asserts that a slightly downsized UN peacekeeping operation that was mandated to serve only as an observer force could still be used to support demarcation of the border. END SUMMARY.

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USG DELEGATION VISITS BORDER FROM ETHIOPIA  
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12. (SBU) On January 19-20, AF Assistant Secretary Jendayi Frazer, AF Special Assistant Kendra Gaither, and AF Military Advisor COL Kevin Kenny, accompanied by Charge, DATT, and deputy pol/econ counselor, visited the following sites on the Ethiopia-Eritrea border:

- Adigrat, Sector Center headquarters for the United Nations Mission in Ethiopia and Eritrea (UNMEE), manned by UNMEE's Indian battalion (INDBATT);
- Zelambessa, in UNMEE's Sector Center; and
- the disputed town of Badme, currently under Ethiopian control but awarded to Eritrea in the April 2002 decision of the Ethiopia-Eritrea Boundary Commission (EEBC).

The USG delegation met only with UNMEE officials at Adigrat and Zelambessa. On January 20, the Ethiopian National Defense Force (ENDF) airlifted the delegation to Badme. A young NCO assisted with Amharic interpretation as the group moved throughout Badme, speaking at random with male and female residents of Badme, ranging from young schoolchildren to the elderly, in what was clearly an unexpected visit. The local administrator of Badme said that Badme had 5,000

residents. The delegation also met with UNMEE military observers (MILOBs) at UNMEE's Badme team site.

13. (C/NF) In Zelambessa, UNMEE military observers brought the USG delegation to UNMEE's team site for a brief visit, which lies approximately 200 yards in the Temporary Security Zone. No officials were present, other than UNMEE MILOBs and troops.

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BADME'S CURRENT RESIDENTS STRIDENTLY ETHIOPIAN  
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14. (C) On January 21, A/S Frazer briefed UNMEE Special Representative of the UN Secretary-General (SRSG) Amb. Legwaila Joseph Legwaila, Deputy SRSG Amb. Azouz Ennifar, and UNMEE poloff Dr. Abdel-Kader Haireche on her visit to the border and on her January 20 meeting with Ethiopian Prime Minister Meles Zenawi (septel). Amb. Frazer said she had informed PM Meles of the places she had visited, but had not shared her impressions of what she saw. She said she had a better understanding of the challenges Meles faced in implementing the EEBC decision, citing the "strong impression of Ethiopian identity in Badme." She said that residents of Badme were well-informed and opinionated, spoke with "the passion of a people invaded," and had criticized the EEBC decision as unjust, unfair, and unbalanced. Badme villagers, including a one-legged man who said he was prepared to sacrifice his remaining leg, claimed that they would rather go to war than live under Eritrean administration. Elders, who spoke Amharic rather than Tigrinya, asserted that Eritrean President Isaias had banned a traditional song whose lyrics identified a nearby river as the boundary.

15. (C) SRSG Legwaila observed that in the Temporary Security Zone, the "opinions of the people are invariably those of the government," as residents were "indoctrinated" by political cadres. Amb. Frazer and Charge pointed out that a number of elderly residents made their case by stating that Badme

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had never been subject to Italian colonization, which stopped at the Mereb River. UNMEE observers also had the same view, namely that the residents of Badme consider themselves Ethiopian.

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MELES: ISAIAS MUST MAKE "STRATEGIC DECISION" ABOUT DIALOGUE  
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16. (C) Although PM Meles reported that he had not talked with President Isaias in seven years, he considers Isaias a "fully rational" adversary who makes calculated decisions, Amb. Frazer said. Meles had indicated that neither he nor Isaias want to go to war. Meles believes that because Isaias cannot topple Ethiopia militarily, Isaias is using Ethiopian opposition groups to foment dissent and to seek "vengeance," Amb. Frazer said. According to Meles, the "key test" for Isaias is whether he is willing to make a "strategic decision" to engage in dialogue about an EEBC decision in which Ethiopia is losing towns that are clearly Ethiopian, and Eritrea is losing towns that are clearly Eritrean. Meles had not extensively discussed normalization of relations between Ethiopia and Eritrea, Amb. Frazer said. SRSG Legwaila responded that there could be no normalization without demarcation; indeed, Eritrea had said that landlocked Ethiopia may gain access to the port of Assab, as part of normalization. Demarcation would lead to progress in other areas, Legwaila said.

17. (C) SRSG Legwaila noted that residents of border areas "disadvantaged" by demarcation had the choice of going to either Ethiopia or Eritrea, but said that Isaias had manipulated groups of internally displaced persons (IDPs) to get international aid and to blame UNMEE falsely for giving border villages to Ethiopia. Legwaila explained that the Government of the State of Eritrea (GSE) had told IDPs not to

return to villages along the southern edge of the TSZ, even though conditions permitted them to do so; the GSE had even mined some villages. Legwaila also said that Isaias knows that land must be ceded or transferred (as a result of the EEBC decision), but "does not care" to address the issue. Isaias falsely claimed to have instructed Eritreans living near the border with Ethiopia to move four kilometers north, Legwaila said.

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MELES TO "CONSIDER" SENDING REPRESENTATIVE TO EEBC  
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¶18. (C) Amb. Frazer said that Meles repeatedly referred to his five-point plan, saying it accepted the EEBC decision but required dialogue. Meles said initially he was willing to work with Isaias, not the EEBC, but ultimately agreed to "consider the possibility" of sending a representative to a future meeting of the EEBC, "if prepared carefully," Frazer said. SRS Legwaila highlighted the need to thoroughly prepare the agenda of any EEBC meeting contemplated, as the GOE did not want to be told by the EEBC that it was simply reaffirming the 2002 boundary decision. He said that in accordance with the EEBC's own decision (not the Algiers accords), the EEBC could vary or "refine" the boundary line, if both parties (i.e., Ethiopia and Eritrea) requested it. Legwaila noted that the EEBC's "dispositif" in the 2002 decision stated that the decision was final, but also recognized the principle of "manifest impracticability": that it may be impractical to place a pillar (demarcating the border) in a given location, such as on a mountain. Observing the principle of "manifest impracticability," both parties had already agreed to minor variations of the boundary along the 375 kilometers of the border's eastern sector, he said.

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"MANIFEST IMPRACTICABILITY" WILL NOT ALLOW EXCHANGE OF BADME  
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¶19. (C) However, this principle did not mean that entire towns could be exchanged, Legwaila said, noting that by UNMEE's calculation, Badme lay 1.7 kilometers within Eritrea. Legwaila said that the GOE had not emphasized the issue of Badme before the EEBC, as, according to Ethiopia's calculation, Badme was 60 kilometers within Ethiopia. In 2001, UNMEE sent a cartographer and polo off to Badme to draw the boundary of the TSZ, Legwaila said. The UNMEE team found that Badme then had 2,700 residents (2,500 Ethiopian and 200 Eritrean), and that "even the Eritrean elders" acknowledged that the land belonged to Ethiopia. According to archives,

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Ethiopian authorities had conducted municipal elections, Legwaila said; an OAU mission had confirmed that Ethiopia had long administered the village, but could not determine for how long.

¶10. (C) Meles may be personally willing to surrender Badme, Legwaila said, noting that Meles had publicly referred to Badme as "a God-forsaken mud village" in a possible attempt to minimize its importance. Legwaila said there had been much recent investment in Badme, which had previously consisted only of "shacks and mud huts." Legwaila acknowledged that the EEBC decision split villages and churches. "The only way out of this is for both countries to sit down and to discuss exchanging villages," Legwaila said. The boundary "circles" around Zelambessa, placing it in Ethiopia, while circling around Tserona and placing it in Eritrea, he noted.

¶11. (C) "The EEBC is prepared to change the line," if both parties want it to, Legwaila said, but the GOE fears "entrapment" by the EEBC. Charge noted that the GOE considered EEBC President Sir Elihu Lauterpacht "biased," due to his previous statement that the boundary was "practically

demarcated," which suggested little or no discretion would be allowed. At the same time, SRS Legwaila pointed out that in March 2004, even the EEBC commissioners appointed by Ethiopia had defended the 2002 EEBC decision. Legwaila noted, however, the potential conflict of interest posed by Professor James Crawford's affiliation (one of several legal counsels for Eritrea, as noted in the 2002 EEBC decision) with the "Lauterpacht Research Center for International Law" at Cambridge University.

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ERITREA: ETHIOPIA MUST ACCEPT DECISION "AS IS"  
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¶12. (C) Meles had told A/S Frazer that he accepted the EEBC decision, and that the GOE's caveat that it accepted the decision (only) "in principle" came as a suggestion offered by the UK. For Meles, the problem was the implementation of the EEBC's decision, for which he seeks dialogue with Eritrea, she added. SRS Legwaila said that Meles dropping the caveat would be a positive development, which would then allow the international community to push Eritrea. Legwaila noted that "in principle" did not appear in the GOE's January 16 memorandum on the border situation submitted to the UN Security Council. Legwaila agreed not to publicize Meles' flexibility on "in principle," however.

¶13. (C) Amb. Frazer said that even if Meles were to drop the caveat, the GSE may not necessarily welcome it. She explained that she had informed EPFDJ head of political affairs Yemane Ghebreab, who was visiting Washington and then Paris, of her trip to the border, and had told him that the next steps needed were: a meeting of the Witnesses (including the U.S., AU, and EU) to the Algiers Accord, a meeting of the EEBC, and then the beginning of demarcation. Yemane responded that only the EEBC, not the Witnesses, had the mandate and legal authority to demarcate the border; that Ethiopia must accept the decision "as is"; and that the USG delegation had visited "occupied territory." Amb. Frazer said she had reminded Yemane that Badme was sovereign Ethiopian territory until demarcation. Legwaila hailed USG engagement with Yemane, noting that the GSE had spurned former UN envoy Lloyd Axworthy, believing that Eritrea was not the problem. Yemane Ghebreab was a better interlocutor than GSE presidential advisor Yemane Gebremeskel, who was "too angry for my liking," Legwaila said.

¶14. (C) Noting that Meles had said that Yemane Ghebreab spoke for Isaias, Amb. Frazer said that she was not pushing for a meeting with Isaias; the international community needed actions, not talk, she added. Asked who exerted influence on Isaias and the GSE, Legwaila suggested Israel as a possibility, alleging that Isaias had an aversion to Arabs. The relationship between Isaias and Qaddafi was a "marriage of convenience," Legwaila said, noting that Qaddafi would not be an effective intermediary since he questions why Ethiopia simply does not accept the EEBC decision. One could also engage the GSE's international lawyers, Legwaila said, although some were "strident." (NOTE: Italy and Egypt have had recent access to Isaias, if not influence. In subsequent meetings with poloff, Italian DCM and Egyptian poloff separately noted that Isaias hosted an Italian ministerial delegation (led by deputy foreign minister Alfredo Manteca) in January 2005; Isaias also visited Cairo in December. END

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EEBC MEETING IN FEBRUARY OR MARCH  
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¶15. (C) To ensure progress, all sides needed to be flexible, Amb. Frazer said, including Ethiopia, Eritrea, and the EEBC, which could hold its next meeting either at the beginning of February or in March. Legwaila highlighted the need to

consult with Lauterpacht to explain what was needed from the EEBC; Amb. Frazer responded that General Carlton Fulford had already done so and would continue to do so in the future. Amb. Frazer added that one could not rule out sanctions. Both Amb. Frazer and SRS Legwaila agreed that if both parties sought war, then there was little the international community could do.

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UNMEE OBSERVER MISSION COULD STILL SUPPORT DEMARCATION  
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¶16. (C) Amb. Frazer said that Meles supported the removal of UNMEE, or its downsizing to an observer force, if UNMEE continued to be "held hostage" by Isaias; Meles believed UNMEE would not be able to stop Isaias if Isaias wanted to go to war with Ethiopia. SRS Legwaila agreed that so long as UNMEE was being "brutalized" by Eritrean restrictions on its freedom of movement, there was nothing to push the GSE to be serious about solving the current crisis. Legwaila noted that the GSE had long considered UNMEE's presence unnecessary: twelve days after the EEBC's decision in April 2002, Isaias had expressed surprise that UNMEE was still in Eritrea, since both sides (at that time) had accepted the EEBC's decision. Legwaila said he had told Isaias that UNMEE would withdraw "when the last pillar is driven" (i.e., only after the completion of demarcation). Legwaila underscored that the GSE's recent expulsion of UNMEE staff who were Western nationals was "absolutely unacceptable," and continued to hamper recruitment for the mission, as any Europeans hired had to remain in Ethiopia and could not enter Eritrea.

¶17. (C) SRS Legwaila affirmed that if changed to a pure observer mission, UNMEE could still support demarcation. A tailored mission with field offices, helicopters, and fewer than 3,700 troops could be used for demarcation, he said. (NOTE: UNMEE's current troop strength is approximately 3,200; its authorized strength is 4,000. END NOTE.) UNMEE's role would include demining pillar sites and adjacent access roads. Originally, the EEBC had directed UNMEE to provide security for pillar sites, so that pillars demarcating the border would not be removed overnight; the demarcation directives had later been amended so that the parties themselves were to provide security, he said.

¶18. (C) COMMENT: Meles's decision to "consider the possibility" of sending a representative to attend the next meeting of the Ethiopian-Eritrean Boundary Commission, coupled with the lack of any reference to accepting the EEBC decision only "in principle" in the GOE's January 16 memorandum to the UNSC, represent small but significant concessions. UNMEE officials, including SRS Legwaila and UNMEE military observers in the field (septel), highlight Ethiopia's compliance with the provisions of UNSCR 1640 calling for the withdrawal of troops to December 2004 positions, saying that Ethiopia has withdrawn eight divisions from the border. Progress on demarcation, however, is another matter. It is clear from our visit to Badme that local Ethiopian authorities are making no preparations to transfer Badme to Eritrea, and that local sentiment strongly opposes the EEBC decision. While it is important for the United States to build on the momentum generated by A/S Frazer's visit, the parties may have their own strategic interests for maintaining the status quo. As SRS Legwaila observed in a January 19 briefing to the USG delegation (septel), prior to its visit to the border, if the border is not demarcated, then "advantage Ethiopia," as Ethiopia currently occupies all the contested areas. END COMMENT.

¶19. (U) A/S Frazer cleared on this message.  
HUDDLESTON